

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
Case No. 5:22-CV-00068-BO

YOLANDA IRVING, individually and as the )  
natural parent and guardian of J.I., JUWAN )  
HARRINGTON, CYDNEEA )  
HARRINGTON, KENYA WALTON, )  
individually and as the natural parent and )  
guardian of R.W., ZIYEL WHITLEY, )  
DYAMOND WHITLEY, KAMISHA )  
WHITLEY, and NANETTA GRANT as the )  
natural parent and guardian of Z.G., )

Plaintiffs,

v.

THE CITY OF RALEIGH, OFFICER OMAR )  
I. ABDULLAH, SERGEANT WILLIAM )  
ROLFE, OFFICER RISHAR PIERRE )  
MONROE, OFFICER JULIEN DAVID )  
RATTELADE, OFFICER MEGHAN )  
CAROLINE GAY, and JOHN and JANE )  
DOE OFFICERS 1-10, in their individual )  
capacities, )

Defendants.

**CITY OF RALEIGH'S  
MOTION FOR A COURT-HOSTED  
SETTLEMENT CONFERENCE**  
*(Local Civil Rule 101.2)*

Defendant City of Raleigh (the “City”), pursuant to Local Civil Rule 101.2, respectfully requests that the Court enter an order setting a settlement conference in this action before a Judge or other federal judicial official named by the Court. In support of this request, the City shows the Court as follows:

1. This the second lawsuit filed as the result of criminal wrongdoing by confidential informant Dennis Williams. Williams was indicted on five counts of felony obstruction of justice and is awaiting trial. No one else has been criminally charged.

2. Twelve plaintiffs previously sued the City and eight members of the Raleigh Police Department in *Washington, et al. v. City of Raleigh, et al.*, in the U.S. District Court for the Eastern District of North Carolina (No. 5:21-cv-00194). Mr. Schewel, Ms. Gladden, and Mr. Littlejohn, three of the attorneys representing the Plaintiffs in this action, also represented the plaintiffs in the *Washington* action.

3. Marcus Vanirvin, a resident at 1620 Burgundy Street, Apartment B, on May 21, 2020, sought to join the *Washington* lawsuit.

4. Pursuant to consent orders entered in State court, the City released records to Mr. Schewel relating to the May 21, 2020 arrest and investigation of Marcus Vanirvin. These records included bodyworn camera video capturing events that form the basis of Plaintiffs' claims in this action—specifically including the service of the search warrant for 1628 Burgundy Street, Apartment B, which was the home of Ms. Irving and her family, and also the officers' encounter with Ms. Kenya Walton and her family in 1628 Burgundy Street, Apartment A. These materials were provided to Mr. Schewel no later than September 2021.

5. Thus, police investigation records and bodyworn camera recordings related to the challenged entry into 1628 Burgundy Street, Apartments A and B, have been in the custody of Plaintiffs' counsel since September 2021.

6. All charges against Mr. Vanirvin were dismissed by the District Attorney.

7. In the *Washington* lawsuit, the parties agreed to a voluntary mediation before the defendants served responsive pleadings. The parties jointly sought a stay and held a voluntary mediation on September 28, 2021. The City and fifteen plaintiffs and claimants, including Mr. Vanirvin, reached a settlement of all claims and dismissed the *Washington* lawsuit on October 26, 2021.

8. The City desires to discuss settlement with the Plaintiffs in the *Irving v. City of Raleigh* in the same way that is did in the *Washington* lawsuit. As the correspondence attached as Exhibit 1 shows, the parties have not agreed to an early voluntary mediation.

9. The City believes that a Court-hosted settlement conference may assist the parties in assessing settlement opportunities before the Court invests judicial resources in addressing the defendants' pending motions to dismiss.

10. Counsel for the City has conferred with counsel for the defendants who have appeared in this action. All such defendants consent to a Court-hosted settlement conference.

WHEREFORE, the City respectfully requests that the Court enter an order requiring a Court-hosted Settlement Conference at a time and place to be determined by the judicial official designated by the Court to host the conference.

This the 29<sup>th</sup> day of April, 2022.

**CITY OF RALEIGH**  
**Robin L. Tatum, City Attorney**

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Defendants. )

**CERTIFICATE OF SERVICE**

I hereby certify that on April 29, 2022, I electronically filed the foregoing Motion with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record as follows:

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Respectfully submitted,

**CITY OF RALEIGH**  
**Robin L. Tatum, City Attorney**

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